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Rev. 11/97

CRIMINAL COMPLAINT

UNITED STATES DISTRICT COURT	CENTRAL DISTRICT OF CALIFORNIA
UNITED STATES OF AMERICA v. WASFI ABBASSI	DOCKET NO. MAGISTRATE'S CASE NO. ED17-0234M

FILED
CLERK, U.S. DISTRICT COURT
MAY 26 2017
CENTRAL DISTRICT OF CALIFORNIA
BY

Complaint for violations of Title 21, United States Code, Sections 841(a)(1),

NAME OF MAGISTRATE JUDGE HONORABLE SHERI PYM		UNITED STATES MAGISTRATE JUDGE	LOCATION RIVERSIDE, CA
DATES OF OFFENSE February 24, 2017,	PLACE OF OFFENSE San Bernardino County	ADDRESS OF ACCUSED (IF KNOWN)	

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

On or about February 24, 2017, in San Bernardino County, within the Central District of California, defendant WASFI ABBASSI knowingly and intentionally possessed with intent to distribute hydrocodone, a schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1).

LODGED
2017 MAY 26 AM 9:53
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE
BY

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:
(See attached affidavit which is incorporated as part of this Complaint)

MATERIAL WITNESSES IN RELATION TO THIS CHARGE:

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.	SIGNATURE OF COMPLAINANT Angela Kaighin (ATF) /s/
	OFFICIAL TITLE Special Agent - Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to before me and subscribed in my presence,

SIGNATURE OF MAGISTRATE JUDGE(1) SHERI PYM	DATE May 26, 2017

Bilal Essayli: REC:Detention

BAE

AFFIDAVIT

I, Angela Kaighin, being duly sworn, declare and state as follows:

I. PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of a criminal complaint and arrest warrant against WASFI ABBASSI, for a violation of Title 21, United States Code, Section 841(a)(1) (Possession of Controlled Substance with Intent to Distribute).

2. This affidavit is also made in support of an application for a warrant to search the following digital devices in the custody of the San Bernardino Police Department:

a. a silver iphone S, model A1688, FCC ID:BCG-E2946A, IC 579C-E2946A in a black rubber case (SBPD evidence tag # 170001698); and

b. a Black Samsung, with grey rubber case, no other visible markings on exterior (SBPD evidence tag number 170001699).

(collectively, the "SUBJECT DEVICES"). The requested search warrant seeks authorization to seize any data on the SUBJECT DEVICES that constitutes evidence or fruits of violations of Title 21, United States Code, Section 841(a)(1) (Possession of Controlled Substance with Intent to Distribute), or any SUBJECT DEVICE that is itself an instrumentality of the Subject Offenses.

3. The SUBJECT DEVICES are identified in Attachment A to the search warrant application. The list of items to be seized

is set forth in Attachment B to the search warrant application. Attachments A and B are incorporated herein by reference.

4. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and warrant and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

II. BACKGROUND FOR SPECIAL AGENT ANGELA KAIGHIN

5. I am a Special Agent ("SA") with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), and have been so employed since June 1999. I am currently assigned to the ATF Riverside, California Field Office and am charged with investigating violations of federal arson, explosives, and firearms laws and regulations. I regularly refer to these laws and regulations during the course of my duties. From 2008 until approximately 2014, I was assigned to the San Bernardino Violent Crime Impact Team and San Bernardino Police Department's Narcotics Unit. From approximately 2014 until January 2015, I was assigned to the San Bernardino Police Department's Violent Crimes Task Force. I am currently assigned to assist the San Bernardino Gang Intelligence Team.

6. I am a graduate of the Criminal Investigator Training Program at the Federal Law Enforcement Training Center and have

completed specialized training at the ATF National Academy in the fields of arson, explosives and firearms. During my employment with ATF, I have participated in hundreds of undercover operations and surveillance of individuals committing crimes of violence, as well as prohibited persons in possession of firearms. I have been the affiant of numerous affidavits for criminal complaints, arrest and search warrants for various violations of federal laws and regulations. I have participated in the execution of numerous search and arrest warrants for violations of federal firearms laws. During my tenure as an ATF SA, I have also participated in numerous investigations against persons engaged in drug trafficking offenses. Prior to working for ATF, I was employed by St. Louis County Police as a patrol officer and detective for approximately four years. I received a Bachelor's degree from the University of Missouri- St. Louis and a Master's Degree from Webster University.

III. PROBABLE CAUSE

7. On February 24, 2017, I learned that Anaheim Police Officers were conducting undercover surveillance of an individual named Chad Justice in the San Bernardino Area. Justice was wanted on six separate arrest warrants from three counties. The investigation led Officers Trujillo and Killeen to a residence at 5726 N. Crescent Street in the City of San Bernardino where Justice had frequently stopped. When officers arrived at the location, they observed Justice's green Ford Escort parked in the driveway. At approximately 11:00 a.m., the Escort left the residence, and was followed by a 2008 black BMW

SUV with license number 7JNR208. At this time, Anaheim police officers contacted San Bernardino Police Department and requested assistance with the arrest and investigation of the vehicles. The two vehicles were followed until both parked at the Kendall Car Wash located at 894 Kendall Drive in the City of San Bernardino. Once parked, Justice exited the driver's seat of the Escort and entered through the front passenger door of the black BMW parked adjacent.

8. Officer Rollings of the San Bernardino Police Department arrived at the Kendall Car Wash at approximately 11:13 a.m. Officer Rollings approached the black BMW and gave verbal commands to have Justice exit the vehicle. Justice was arrested and taken into custody by the Anaheim Police Department Officers. The driver of the black BMW was identified as WASFI ABBASSI.

9. Officer Rollings asked ABBASSI to exit the vehicle. ABBASSI had a backpack on his lap that he moved to the passenger seat before exiting. Officer Rollings asked the driver if he had anything illegal on him and ABBASSI replied, "A little bit of coke in my pocket." Officer Rollings conducted a pat down search and found a white tissue folded into a square inside ABBASSI's left front pocket. The tissue contained a piece of plastic that contained a white powder consistent with cocaine.

10. Officer Rollings conducted a search of ABBASSI's black BMW and located two cell phones, three small blue pills, and a prescription bottle filled with various pills sitting on top of the center console of the vehicle. Officer Rollings then

searched inside the center console and found a large bag filled with marijuana. He also located a digital scale, several small plastic bags, and concentrated marijuana in the center console. Officer Rollings additionally recovered $643 in U.S. currency, as well as a California Driver's License belonging to ABBASSI. Behind the driver's seat on the floor there was a grocery bag that contained another large bag filled with marijuana. Based on my training and experience, narcotics dealers often possess multiple cellular phones, digital scales, and plastic bags to assist in the distribution of narcotics. Specifically, narcotics dealers often use multiple cellular phones because one phone will be for legitimate purposes, and a second will be used to narcotic transactions. The phones are described as:

a. a silver iphone S, model A1688, FCC ID:BCG-E2946A, IC 579C-E2946A in a black rubber case (SBPD evidence tag # 170001698); and

b. a Black Samsung, with grey rubber case, no other visible markings on exterior (SBPD evidence tag number 170001699).

11. San Bernardino Detective Hernandez believed that a search of ABBASSI's residence would yield further evidence. Detective Hernandez applied for a search warrant for 5726 N. Crescent Street in the City of San Bernardino, which was granted by the Honorable Steve Malone of the Superior Court of the County of San Bernardino in Case No. 2017-22149.

12. While officers were awaiting the signed search warrant ABBASSI's mother, Samia Abbassi, arrived at the residence. I

made contact with Samia Abbassi and learned that she and her husband, Adel Abassi, live at the residence with their son WASFI ABBASSI. Her husband, Adel Abassi, was currently out of the country in Jordan. Samia Abbassi acknowledged that she and her husband did not own any firearms or narcotics and, stated, that if any firearms or narcotics were located in the residence, they would not be hers or her husband's. Samia Abbassi also showed me which room everyone occupied in the residence, pointing to her son WASFI ABBASSI's room, on the southeast side.

13. During the search of WASFI ABBASSI's room, investigators located a loaded handgun and ammunition in a top dresser drawer and underneath this firearm was an AAA card embossed with the name "WASSI ABBASSI." On top of the dresser was a bottle of Promethazine-Codeine syrup (label dated 2/23/17 in the name of Holliday, Ovencia) as well as other prescription pill bottles not bearing his name. Located in the closet was a black bag that contained a large amount of cash, approximately $17,600 and pills. In the corner of the bedroom was a large money counter. In another dresser drawer was a Capital One bill with WASFI ABBASSI's name and the address of 5726 Crescent Street, San Bernardino.

14. During the search of the garage, officers located two more firearms, a large amount of marijuana, and a very large amount of US currency. The total amount seized from the garage was over $360,000.

15. In total, the search of ABASSI's residence yielded 2.4 pounds of marijuana, 0.6 pounds of concentrated cannabis,

different types and dosages of hydrocodone, which totaled 1,017 pills, 131 pills of Xanax , a one-pint bottle of liquid codeine, a Rossi 38 caliber revolver, a FEG 9 mm semiautomatic handgun, a Titan 25 caliber handgun, ammunition, and $377,500 in U.S. currency.

16. The suspected cocaine seized, and a sample of the pills collected, were submitted to the DEA Southwest Laboratory for analysis. Testing confirmed the presence of cocaine and controlled substances in the pills submitted.

IV. TRAINING AND EXPERIENCE ON DIGITAL DEVICES

16. Based on my knowledge, training, and experience, as well as information related to me by agents and others involved in the forensic examination of digital devices, I know that it is not always possible to search digital devices for digital data in a single day or even over several weeks for a number of reasons, including the following:

a. Searching digital devices can be a highly technical process that requires specific expertise and specialized equipment. There are so many types of digital devices and software programs in use today that it takes time to conduct a thorough search. In addition, it may be necessary to consult with specially trained personnel who have specific expertise in the type of digital device, operating system, and software application being searched.

b. Digital data is particularly vulnerable to inadvertent or intentional modification or destruction. Searching digital devices can require the use of precise, scientific procedures that are designed to maintain the integrity of digital data and to recover "hidden," erased, compressed, encrypted, or password-protected data. As a result, a controlled environment, such as a law enforcement laboratory or similar facility, is essential to conducting a complete and accurate analysis of data stored on digital devices.

c. A single megabyte of storage space is the equivalent of 500 double-spaced pages of text. A single gigabyte of storage space, or 1,000 megabytes, is the equivalent of 500,000 double-spaced pages of text.

d. Electronic files or remnants of such files can be recovered months or even years after they have been downloaded onto a hard drive, deleted, or viewed via the Internet.[1] Electronic files saved to a hard drive can be stored for years with little or no cost. Even when such files have been deleted, they can be recovered months or years later using readily-available forensics tools. Normally, when a person deletes a file on a computer, the data contained in the file does not actually disappear; rather, that data remains on the hard drive until it is overwritten by new data. Therefore, deleted files, or remnants of deleted files, may reside in free space or slack space, i.e., space on a hard drive that is not allocated to an active file or that is unused after a file has been allocated to a set block of storage space, for long periods of time before they are overwritten. In addition, a computer's operating system may also keep a record of deleted data in a swap or recovery file. Similarly, files that have been viewed on the Internet are often automatically downloaded into a temporary directory or cache. The browser typically maintains a fixed amount of hard drive space devoted to these files, and the files are only overwritten as they are replaced with more recently downloaded or viewed content. Thus, the ability to retrieve residue of an electronic file from a hard drive depends less on when the file was downloaded or viewed than on a particular user's operating system, storage capacity, and computer habits. Recovery of residue of electronic files from a hard drive requires specialized tools and a controlled laboratory environment. Recovery also can require substantial time.

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[1] These statements do not generally apply to data stored in volatile memory such as random-access memory, or "RAM," which data is, generally speaking, deleted once a device is turned off.

e. Although some of the records called for by this warrant might be found in the form of user-generated documents (such as word processing, picture, and movie files), digital devices can contain other forms of electronic evidence as well. In particular, records of how a digital device has been used, what it has been used for, who has used it, and who has been responsible for creating or maintaining records, documents, programs, applications and materials contained on the digital devices are, as described further in the attachments, called for by this warrant. Those records will not always be found in digital data that is neatly segregable from the hard drive image as a whole. Digital data on the hard drive not currently associated with any file can provide evidence of a file that was once on the hard drive but has since been deleted or edited, or of a deleted portion of a file (such as a paragraph that has been deleted from a word processing file). Virtual memory paging systems can leave digital data on the hard drive that show what tasks and processes on the computer were recently used. Web browsers, e-mail programs, and chat programs often store configuration data on the hard drive that can reveal information such as online nicknames and passwords. Operating systems can record additional data, such as the attachment of peripherals, the attachment of USB flash storage devices, and the times the computer was in use. Computer file systems can record data about the dates files were created and the sequence in which they were created. This data can be evidence of a crime, indicate the identity of the user of the digital device, or point toward the existence of evidence in other locations. Recovery of this data requires specialized tools and a controlled laboratory environment, and also can require substantial time.

f. Further, evidence of how a digital device has been used, what it has been used for, and who has used it, may be the absence of particular data on a digital device. For example, to rebut a claim that the owner of a digital device was not responsible for a particular use because the device was being controlled remotely by malicious software, it may be necessary to show that malicious software that allows someone else to control the digital device remotely is not present on the digital device. Evidence of the absence of particular data on a digital device is not segregable from the digital device. Analysis of the digital device as a whole to demonstrate the absence of particular data requires specialized tools and a controlled laboratory environment, and can require substantial time.

g. Digital device users can attempt to conceal data within digital devices through a number of methods, including the use of innocuous or misleading filenames and extensions. For example, files with the extension ".jpg" often are image files; however, a user can easily change the extension to ".txt" to conceal the image and make it appear that the file contains text. Digital device users can also attempt to conceal data by using encryption, which means that a password or device, such as a "dongle" or "keycard," is necessary to decrypt the data into readable form. In addition, digital device users can conceal data within another seemingly unrelated and innocuous file in a process called "steganography." For example, by using steganography a digital device user can conceal text in an image file that cannot be viewed when the image file is opened. Digital devices may also contain "booby traps" that destroy or alter data if certain procedures are not scrupulously followed. A substantial amount of time is necessary to extract and sort through data that is concealed, encrypted, or subject to booby traps, to determine whether it is evidence, contraband or instrumentalities of a crime.

17. Other than what has been described herein, to my knowledge, the United States has not attempted to obtain this data by other means.

V. CONCLUSION

17. Based on the foregoing, there is probable cause to believe that WASFI ABBASSI, violated Title 21, United States Code, Section 841(a)(1). Additionally, I respectfully submit there is probable cause to believe that evidence, fruits, and instrumentalities of the Subject Offenses will be found on the SUBJECT DEVICES.

/s/

ANGELA KAIGHIN
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed to and sworn before me this 26th day of May, 2017.

SHERI PYM

UNITED STATES MAGISTRATE JUDGE